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EL920797022US

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number 09/476,935

Filing Date 12/12/1999

First Named Inventor WESTON et al.

Group Art Unit 2164

Examiner Name Charles KYLE

Total Number of Pages in This Submission 10

Attorney Docket Number 3524/5

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**ENCLOSURES (check all that apply)**

Technology Center 2100

- ☐ Fee Transmittal Form  
☐ Fee Attached  
☐ Amendment / Reply  
☐ After Final  
☐ Affidavits/declaration(s)  
☐ Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Response to Missing Parts/ Incomplete Application  
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)  
☐ Drawing(s)  
☐ Licensing-related Papers  
☒ Petition  
☐ Petition to Convert to a Provisional Application  
☐ Power of Attorney, Revocation Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund  
☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication to Group  
☐ Appeal Communication to Board of Appeals and Interferences  
☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
☐ Status Letter  
☒ Other Enclosure(s) (please identify below):

See "Remarks".

Remarks

Also enclosed (a) copy of 05/24/01 Cover Sheet of Office Action; (b) copy of 07/06/01 Change of Address; (c) copy of Firm Docket listing; and (d) Return Postcard

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual name

BROWN RAYSMAN MILLSTEIN FELDER &amp; STEINER LLP

Signature

Date

17 APRIL 2002

**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:  

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



#12 PATENT  
Application of WESTON *et al.*  
Ser. No. 09/476,935  
Attorney Docket No. 3524/05  
Express Mail Label EL 920 797 022 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : WESTON *et al.*  
Serial No. : 09/476,935  
Filed : 12 December 1999  
Title : SYSTEM AND METHOD FOR IMPLEMENTING FOREIGN  
CURRENCY EXCHANGE FORWARDS  
Examiner : KYLE, Charles Group Art Unit: 2164

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

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**Technology Center 2100**

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT  
Pursuant to 37 CFR 1.181 and MPEP 711.03(c)II**

Applicants respectfully petition the Office pursuant to 37 CFR 1.181 and MPEP 711.03(c)II for withdrawal of the Holding of Abandonment stated in the Notice of Abandonment mailed herein 18 March 2002. Applicants did not receive the Office Action mailed herein 24 May 2001 (the "Non-received Office Action"), and therefore were unable to respond to that Office Action prior to the deadline stated therein. Attached hereto is a copy of the cover sheet of the Non-received Office Action, received from the Office by facsimile 15 April 2002, at the request of Applicants' attorneys. The cover sheet indicates that at the time of its mailing the Non-received Office Action was directed by the Office to a Clyde Wallace, 5241 Savoy Ct., Cape Coral, FL 33904. This individual and address are known to neither Applicants nor their attorneys. No Clyde Wallace is of record in the application herein.

Applicants request that the Non-received Office Action be re-issued, and the date for response thereto be reset from the date of re-mailing of such re-issued Office Action.

Pursuant to MPEP 711.03(c)I, no fee is required in connection with this Petition. In the event that the Office determines that any fee is due as a result of the filing of this Petition, the Commissioner is authorized to charge such fee to Deposit Account No. 02-4270.

In view of the fact that the Non-Received Office Action was mailed to an unknown third-party, and appears to be an Office mistake, no further information seems to be necessary. However, per the guidelines in MPEP 711.03, the following additional information is supplied.

The undersigned attorneys-of-record filed the application herein on behalf of Applicants 12 December 1999; completed filing of formal documents, including the Declaration, 13 July 2000; filed an Information Disclosure Statement 20 July 2000; a status inquiry 18 March 2001; and a Supplemental Information Disclosure Statement 17 August 2001. No response to the status inquiry, nor any other official action, was received by Applicants until the Notice of Abandonment mailed 18 March 2002.

On 7 June 2001, two weeks after mailing by the Office of the Non-received Office Action, Applicants' attorneys informed the Office in writing of a change in their correspondence address, and requested all future correspondence be directed to their new address. A copy of the letter informing the Office of the change of address and requesting direction of future correspondence to the new address is attached hereto. This copy is stamped as received during June 2001 by both the Office of Initial Patent Examination and by the Technology Center 2100.

The Office Action cited as the basis for the Notice of Abandonment (*i.e.*, the Non-received Office Action) was not received by the undersigned attorneys-of-record. A search of the file jacket and docket records indicates that the Office Action was not received.

Attached hereto is a copy of a docket report, created by the computer docket system program used by Applicants' attorneys, in which the Non-received Office Action would have been entered had it been received by Applicants' attorneys. In particular, a copy of a docket report showing all replies docketed for the date three

months from the mail date of the Non-recieved Office Action, or 24 August 2002, is attached, in accordance with "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (16 Nov. 1993). The Non-received Office Action is not shown in the report because it was not received by Applicants' attorneys.

The docketing procedure used by Applicants' attorneys comprises assigning a unique internal "reference," or docket number, for each patent application. For each filed patent application, a docket clerk enters into a computerized docket system pertinent information relating to the patent application, including the internal docket number, the title of the application, and the filing date. All correspondence received from United States Patent and Trademark Office is delivered to the docket clerk, who inputs information regarding the correspondence into the computerized docketing system. For an office action, the clerk enters the date of the office action and the response period set within the action are entered. The computerized docket system automatically computes and posts response dates for the shortened statutory term as well as extensions up to the full statutory term. The docket clerk then stamps, dates and initials the correspondence, and then forwards it together with the associated file to the responsible attorney. The docket clerk provides to each attorney in the patent group a weekly status docket report listing cases with upcoming due dates for which that attorney has responsibility. Each report lists pending responses required and their associated due dates.

As shown in the upper right hand corner of this Petition, and as correctly echoed on Office correspondence, including the filing receipt, Non-received Office Action, and Notice of Abandonment, the docket number assigned by Applicants' attorneys to this case is 3524/05. This number appears nowhere in the "REFERENCE #" column on the left hand side of the attached docket report.

The undersigned is assigned to the application herein as a responsible attorney. He has never seen any office action notation in any docket report for this application, nor any copy of an office action issued in this case until receipt of initial portions of the Action faxed to his office by Examiner Kyle 2 April 2002.

a complete copy of the previously-issued Office Action on 15 April 2002. Applicants have filed this Petition at the very earliest possible opportunity, after diligent effort in investigating the circumstances surrounding issuance of the Notice of Abandonment, in obtaining a copy of the previously-issued Office Action, and in preparing this Petition. In any event, Applicants file this Petition prior to expiration of the 2-month period set by 37 CFR § 1.181(f).

Applicants request that any questions concerning this Petition be directed to the undersigned at (212) 895-2906.

Respectfully submitted,

Dated: 17 APRIL 2002



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Matthew J. Marquardt  
Reg. No. 40,997  
BROWN RAYSMAN MILLSTEIN  
FELDER & STEINER LLP  
900 Third Avenue  
New York, New York 10022  
(212) 895-2000  
(212) 895-2900 FAX



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/476,935	12/30/99	WESTON	B 3524/5

CLYDE WALLACE  
5241 SAVOY CT  
CAPE CORAL FL 33904

TM02/0524

EXAMINER	
KYLE, C	
ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 05/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

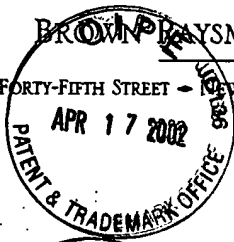
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BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

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June 7, 2001

**VIA EXPRESS MAIL**

Assistant Commissioner for Patents  
Washington, DC 20231-9999

#8/Chgo/Adler  
6/07  
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JUN 14 2001  
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Re: Title: SYSTEM AND METHOD FOR IMPLEMENTING FOREIGN  
EXCHANGE CURRENCY

Filing Date: 12/30/1999

Serial No./Patent No.: 09/476,935 /

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Dear Sir:

Please be advised that as of June 11, 2001, the law firm of Brown Raysman  
Millstein Felder & Steiner, LLP, attorneys of record for the referenced patent, is moving its New  
York office from:

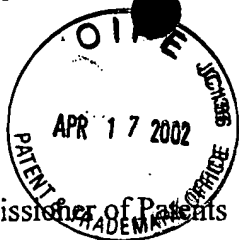
Brown Raysman Millstein Felder & Steiner, LLP  
120 West 45<sup>th</sup> Street  
New York, New York 10036  
Main Phone: (212) 944-1515  
Main Fax: (212) 840-2429

to:

Brown Raysman Millstein Felder & Steiner, LLP  
900 Third Avenue  
New York, New York 10022-4728  
Main Phone: (212) 895-2000  
Main Fax: (212) 895-2900

Express Mail Label: EL 718302218 US

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Assistant Commissioner of Patents  
June 7, 2001  
Page 2

Therefore, please direct all future correspondence to this new address as of the date mentioned above. In addition, please update your records accordingly and place this notice in the pertinent patent file.

If you have any questions concerning the above, please do not hesitate to contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Seth H. Ostrow".

Seth H. Ostrow  
Attorney for Applicant  
BROWN RAYSMAN MILLSTEIN  
FELDER & STEINER LLP

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JUN 14 2001  
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APR 23 2002  
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# PATENT USER ACTION REPORT BY DUE DATE

FROM: 8/24/2001  
THROUGH: 8/24/2001  
STATUS: ALL

Printed: 4/15/2002 Page 1



REFERENCE#	MARK/TITLE	COUNTRY	ACTION	ORIGINAL DUE DT	FINAL	RESPONSE	ATTY1 / ATTY2 PARA
10269-11A	COMPUTER-IMPLEMENTED SEC	US	POST CARD CHECK	08/24/2001	8/24/2001	8/6/2001	SHO/JJW/ARR
10382-22	SYSTEM AND METHOD FOR FACI	US	FOR FILING DEADLINE	08/24/2001	8/24/2001	1/1/1990	PGM/RLK/KL
10382-22	SYSTEM AND METHOD FOR FACI	US	Foreign File Deadlin	08/24/2001	8/24/2001		PGM/RLK/KL
3815-85US	RAKE RECEIVER IN DIRECT SEQ	US	STATUS CHECK	08/24/2001	8/24/2001	9/21/2001	YK/RFH/FJD
3910-194US	MOVABLE DISPLAY ACTUATED S	US	PUBLICATION	08/24/2001	11/24/2001		FJD/MJM/SH
4470-3	NETWORK METRIC SYSTEM.	US	INF DISCLOSURE STMT	08/24/2001	2/24/2002	3/25/2002	RLK/BWQ/ELM
4470-3	NETWORK METRIC SYSTEM.	US	FILG RCPT STATUS CHK	08/24/2001	8/24/2001	8/7/2011	RLK/BWQ/ELM

END OF REPORT

TOTAL ITEMS SELECTED = 7

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